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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,570	07/21/2006	Robert W. Morris	30004-004US1	2103
69713 7590 01/05/2009 OCCHIUTI ROHLICEK & TSAO, LLP 10 FAWCETT STREET CAMBRIDGE, MA 02138				
EXAMINER BORSETTI, GREG				
ART UNIT		PAPER NUMBER		
2626				
NOTIFICATION DATE		DELIVERY MODE		
01/05/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/565,570	Applicant(s) MORRIS, ROBERT W.
Examiner GREG A. BORSETTI	Art Unit 2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

12/22/2008

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues "If we adopt the correspondence of elements set forth by the Examiner with respect to limitation [A] of the Chou reference, a consistent reading of limitation [B] of claim 1 would require that Chou disclose processing this "partial input," where the processing includes determining a representation of the "partial input" that defines multiple sequences of subword units each representing the query. Chou provides no such disclosure either in the portion of the Chou reference (col. 11, line 6 to col. 12, line 4) in which sentence hypothesis verification is described in detail or the portion of the Chou reference (col. 5, lines 60-65) cited by the Examiner in support of his position." (Remarks, Page 10, 3) The examiner respectfully disagrees. The portion of Chou that was cited was used to teach what applicant refers to as limitation [A], where Chou teaches an utterance recognized as subword units. Limitation [A] recites accepting a first query data (input to be recognized) representing one or more spoken instances of a query (input to be recognized based on the combinations of subword units that are recognized) in a first set of audio signals; (the input is speech data, which is audio) The examiner cited Chou, columns 4-5, lines 65-67 and 1-9 to teach those limitations. For clarification, the rejection will be explained. Chou inputs query data as utterances for speech understanding and recognition. The cited section of Chou teaches that there is an input utterance which is further defined by subword units by the system. Those units are used in various combinations, which are scored, to develop hypotheses for recognition. Then they are verified by the verification process. The "partial input" that applicant identifies is saying that the input utterance may be pared down during the hypothesis such that it comprises fewer subwords entering the verification procedure. For further clarification, Chou, column 11, lines 17-29 and claim 1 is provided. The verification process can be acoustic which performs a rescoring of the utterance by the subword models. Claim 1 indicates that key-phrase candidates are generated to form sentence hypotheses and then the verification is performed on the hypotheses. Therefore, the input representing the sentence (query data) is defined by multiple hypothesis (multiple sequences) and is operated on the subword level (defines multiple sequences of subword units each representing the query). The "partial input" is operated on at the sentence verification level (column 5, lines 5-10), therefore the "partial input" is operated on according to column 11, lines 17-29. The argument is not persuasive.

Applicants argue "Chou's "network of key-phrase sub-grammar automata" that is included in the detection unit does not result from processing a first query data that represents one or more spoken instances of a query in a first set of audio signals. Rather, Chou's "network of key-phrase sub-grammar automata" represents a predetermined "set of phrase subgrammars which may ... be specific to the state of the dialogue" (see col. 3, lines 44- 52) that may be used by Chou's detection unit to detect the semantically significant portions of a sentence (see col. 3, lines 34-42) even if the sentence includes out-of-grammar utterances." (Remarks, Page 11, 3) The examiner respectfully disagrees. The examiner points to the argument above (Chou, column 11, lines 17-29 and claim 1 is provided) to provide the representation of a query that defines multiple sequences of subword units. The argument is not persuasive.

Applicant argues "Neither Chou nor Foote contemplate "determining a representation of the query that defines multiple sequences of subword units each representing the query" as recited in limitation [B] of claim 1. Accordingly, it is no surprise that neither reference provides any disclosure of using such a representation of a query to locate putative instances of the query within an unknown speech. Chou and Foote, alone or in combination, provide no teaching or suggestion of the features of limitations [B] and [D] of claim 1." (Remarks, Page 12, 3-4) The examiner respectfully disagrees. Chou teaches limitation [B] as is shown in the paragraphs above. Therefore, in combination, Chou and Foote teach the features in limitations [B] and [D] of claim 1. The argument is not persuasive.

Applicants mention "Should the Examiner choose to maintain the rejection of claim 1 as being unpatentable over Chou and Foote, the Examiner is respectfully requested to point out with specificity where in Chou and/or Foote the Examiner finds the alleged teaching of "determining a representation of the query that defines multiple sequences of subword units each representing the query" (Remarks, Pages 12-13, 4-1) The cited section of Chou teaches that there is an input utterance which is further defined by subword units by the system. Those units are used in various combinations, which are scored, to develop hypotheses for recognition. Then they are verified by the verification process. For further clarification, Chou, column 11, lines 17-29 and claim 1 of Chou is provided. The verification process can be acoustic which performs a rescoring of the utterance by the subword models. Claim 1 indicates that key-phrase candidates are generated to form sentence hypotheses and then the verification is performed on the hypotheses. Therefore, the input representing the sentence (query data) is defined by multiple hypotheses (multiple sequences) and is operated on the subword level (defines multiple sequences of subword units each representing the query). The "partial input" is operated on at the sentence verification level (column 5, lines 5-10), therefore the "partial input" is operated on according to column 11, lines 17-29. .